

PRESENT:

Leland J. Roper
Max Bennett
Willis Morrison
Thomas Callister
Don Bird
Cecil Losee

Mayor and presiding
Councilman
Councilman
Councilman
Councilman
Councilman

ABSENT:

None

OTHERS PRESENT:

Neil Forster
Ray Valdez
Jay Covington
Warren Peterson
Dorothy Jeffery

City Superintendent
City Building Inspector
City Administrative Intern
City Attorney
City Recorder

Tex Searles
Dan Randal
Don Dafoe
Lilli Dawson
Wayne Taylor
Jack Grayson
Peggy Overson
Kirt Overson
Kathy Morris
Cherrie Morris
Tom Humphries
Sue Ann Lister
Nadine T. Smith
DeAnn Ashby
Cora Carrington
Connie Best
Shirley Jeffery
Dannell MacKinnon
Pat Winterton
Kris Cropper
Patricia Thomas
Ron Thomas
Paul Farthing
Kate Farthing
Maxine Owens
Jim DeWyze
Richard Fullmer
Ruth Hansen
Lenore McCall

Developer
Developer
Chairman of Planning/Zoning
City Treasurer
BFI
Grayson Construction
Mom's Crafts and Fabrics
Mom's Crafts and Fabrics
Hinckley Resident
Hinckley Resident
City Resident

County Resident
County Resident

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There were others present that did not sign the roster.

Mayor Roper, being present, called the meeting to order at 8:00 p.m.
Dorothy Jeffer, being present, acted as secretary.

Mayor Roper stated the meeting was a regularly called council meeting and that notice of the time, place and agenda of the meeting had been posted at the principle office of the governing body and had been provided the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK and to each member of the governing body by mailing copies of the Notice and Agenda two (2) days before to each of them.

MINUTES

Proposed minutes of a Regular Council Meeting held May 26, 1981 were presented for consideration of council approval, after a review of the minutes, Councilman Bird MOVED the minutes be approved as presented, MOTION SECONDED by Councilman Bennett and received the unanimous affirmative vote of all councilmen present.

Proposed minutes of a Special City Council Meeting held May 28th, 1981 were presented for consideration of council's approval, Councilman Callister MOVED the minutes be approved as presented, MOTION SECONDED by Councilman Morrison and received the unanimous affirmative vote of all councilmen present.

CONSIDERATION FOR COUNCIL APPROVAL OF THE PROPOSED ANNEXATION OF DEL PARK.

Mayor Roper explained to council the required letters regarding the annexation of Del Park have been received from Bush and Gudgell, Planning/Zoning and Attorney Peterson, however, there are still other required letters that have not been received from Steven Young, Mayor Roper and Superintendent Forster.

Mayor Roper told council he had studied the plans for Del Park and found it satisfactory but he had not had time to write the necessary letter.

Superintendent Forster had some question on the use of Lift Station "A" by Del Park. There was also some question on the Peterson Property and the Evans Taggart Property required to make Del Park contiguous to Delta City.

Mr. Searles assured council both property owners had been contacted and were agreeable to taking the necessary steps to make Del Park contiguous if the proposed annexation was approved by council.

A MOTION was made by Councilman Morrison to set a Public Hearing date for the Del Park subdivision subject to the conditions that all of the required letters be received by council and all other steps of the annexation procedure be met prior to the date of the Public Hearing, MOTION SECONDED by Councilman Bird and received the unanimesse affirmative vote of all councilmen present.

Public Hearing date was set for June 29th, 1981 at 7:30 p.m.

CONSIDERATION FOR COUNCIL APPROVAL OF THE PROPOSED 1981-82 DELTA CITY BUDGET AND SCHEDULE A PUBLIC HEARING DATE

Mayor Roper stated the only changes made on the proposed 1981-82 budget were council approved at an earlier meeting.

Following a discussion of the proposed 1981-82 Budget, Councilman Morrison MOVED Council set a public hearing date on June 29, 1981 at 7:00 p.m. for the hearing or the Delta City Budget for the year of 1981-82, MOTION SECONDED by Councilman Bennett, motion carried.

Public Hearing date was set for June 29th, 1981 at 7:00 p.m.

COUNCIL ACTION ON PETITION TO AMEND ZONING ORDINANCE TO ALLOW A "CONDITIONAL USE" IN A RESIDENTIAL ZONED TWO (R-2) FOR A RETAIL BUSINESS

Mayor Roper stated the next item of business was a request for council action on a Petition to Amend Zoning Ordinance to allow a "Conditional Use" in a Residential Zoned Two (R-2) for a Retail Business, Mayor Roper then read the following letter received by Council from Planning/Zoning Committee dated May 28, 1981:

Dear City Council:

By a majority vote at the Planning and Zoning Meeting held Wednesday May 27, 1981, the Zoning Committee recommended that the Delta City Council deny the petition of Margaret Anne Overson to amend Section 9-300, Conditional Uses for R-2 Zone of the present Delta City Zoning Ordinance, to provide for the retail sales of fabrics and home crafts as an allowable conditional use in a Residential Zoned Two (R-2).

Reasons for this action are listed below:

1. It is not permitted as a Conditional Use in the present Zoning Ordinance.
2. A retail business is inconsistent with the intent of the R-2 Zoning that exists in the present Ordinance. Other zones being set up for that purpose and essentially Planning and Zoning are considering making residential area even more restrictive in the new ordinance.

Planning and Zoning is in the process of revising the old Ordinance and there is a possibility that the Ordinance may be revised to include this type of venture within that zone.

3. Spot zoning is not acceptable.

Sincerely,

Don Dafoe, Chairman of Planning/Zoning.

Following the reading of the letter, Mayor Roper asked for comments, reminding those in attendance at the meeting, that the meeting was not a trial, nor a place for cross-examination. It is, because of the size of the group, considered as a public hearing for the next portion of this meeting thus allowing those in attendance to make comments, Mayor Roper then asked Peggy Overson to make a comment.

Peggy Overson: Well I would like to, we have circulated a petition and I would like to present that to the city council. I have several that I have not collected yet. There are over three hundred (300) signatures on this petition.

Councilman Callister: How many signatures have you got from city residents?

Peggy Overson: I don't know, I didn't count them. The reason I included the county resident was because if you collect sales tax revenue from all over the county and I assumed if it weren't for the outlining districts around here Delta wouldn't have as much revenues as they have.

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Councilman Callister: That's true.

Peggy Overson: It didn't nothing, it just says out building.

Councilman Callister: You mean on the permit is just states "out building".

Peggy Overson: Yes.

Councilman Callister: Is that right Neil, does it state ~~just an "out building"~~ "out building".

Superintendent Forster: Yes

Councilman Callister: Nothing saying for what use or what ever?

The aforementioned petitions were then presented to the council by Peggy Overson for their review.

Mayor Roper: I think it is obvious that if you are going to use a petition for a determination it would take quite sometime, more time than we have in this council meeting.

Councilman Morrison: I would suggest we just note that we have received the petitions and then just go ahead and listen to some of the citizens that would like to made a comment then proceed along those lines.

Mayor Roper: Is that agreeable with the council:

Council all agreed.

Mayor Roper: I feel those comments should be limited to Delta City Residents, anyone in disagreement to that?

Councilman Morrison: I feel that would be more appropriate, but I feel that is your prerogative.

Mayor Roper: No you gentlement have the prerogative, it is just an idea I have.

Councilman Losee: It really wouldn't matter if someone else wanted to voice their opinion.

Nadine Smith: I own a building in Delta City but I live in the county, I don't feel my name should be stricken from the petition becuase of this. I pay taxes on that building.

Mayor Roper: I think if that determination was going to be made, it would have to be in review of those facts, obviously we don't have time here tonight to go into that.

Maxiene Owens: I live just over the tracks, but I still want to voice my opinion. We do not have, the only dress shop in Delta, is closing out, there is no place that we can buy a yard of material in town if you close them down. Steven's don't sell it, Quality Market has turned over to basket weaving. There won't be any place to buy a yard of material, now maybe your wives don't sew, now I don't want to go up North to Spanish Fork or some place everytime I want to buy a yard of material, I feel that if somebody is getting way out of line to take the only place we have out, now I agree with the planning but I feel you should give special consideraiton to the need of the shop as to where it is located. Now maybe it's wrong but that's how I feel.

Neilson: Well, I jsut want to say that I live here in Delta and I agree with her, (Mrs. Owens) very much, we do need it, all we got now is people coming in putting up their own buildings, coming from out of town, hiring from out of town help and then nobody local has got a job or a place to go and people just don't want to go to those places and Peggy is the only one that's got any place that you can get crafts, and make your own clothes, the women need it here in Delta.

Maxiene Owens: There is one thing I forgot, if we go to Provo or Spanish Fork or some place like that we will buy more than just material we are going to buy the other things too.

Councilman Bennett: The question is not the business, the question if the location of the business, you could do your buying up here on main street just as we-l if that business was up here.

Maxiene Owens: For the prices of land you couldn't justify buying property uptown for a fabric shop when you have property right next to your house.

Ruth Hansen: Either we have a Zoning Ordinance that are going to be enforced or we don't have a Zoning Ordinance. Are you going to make exceptions to everything that comes along, we are going to have business's all over town.

Nadine Smith: However, there is a Board of Adjustments and on hardship cases that have to be looked into by law sometimes there is extenuating circumstances and that's how it has to be solved.

Mayor Roper: Counselor correct me if I'm wrong, isn't that one thing that the Board of Adjustment couldn't do in this case?

Attorney Warren Peterson: The Board of Adjustment is limited to correcting the situation where the physical characteristics of the property, it is usually centered on the physical characteristics and technically do not allow the compliance with the Zoning Ordinance and in order to preserve the intent of the Ordinance the Board of Adjustment has the power to make exceptions based on certain specified points relating to the physical characteristics and there are no unuauual physical characteristics that would allow the Board of Adjustments to make an adjustment in this case, at least not, that has been presented.

Patricia Thomas: If I have to go up North to do fabric shopping I'm going to do all of my shopping while I am there, I am in the annexation proposal, I do a lot of my shopping in Delta and I thought your object was to promote good business in Delta and Im not saying I don't believe in good planning, I do, but it seems to me that there would be some way that since we are where we are that a happy medium could be reached with what you feel you need and what the community feels it needs, or at least some of the community.

Councilman Callister: I have one question for Kirt and Peggy, undoubtetly before you built the new building for the purpose it is used for now your were aware of the zoning ordinance weren't you?

Kirt Overson: We are not in court.

Councilman Callister: Well No, but I think you most probably were, being situated in the house you know Mom's Crafts was perfectly legal but when you go out in another building, well, put it this way, if a person knowingly knew they were going against the zoning ordinance at the time they buildt the building with the idea they could over-ride the city really they are in the wrong by assuming the city

would let it go when all the time they understood the zoning ordinance out there and if nothing else they should have checked on it before they built a building that size. This is just my thoughts but that's how I feel.

Peggy Overson: The conversation with Mr. Forster was what could we do to get a building permit. Now at that point he could have said whatever we should have done but he said furnish me a plan.

Councilman Callister: Well for an out building weather it be for a garage or whatever.

Peggy Overson: Yes, but he was told what it was for, and I never made any bones about what the building was for whenever anyone would come into the shop and ask what it was for while it was being constructed.

Councilman Callister: For a fabric shop?

Peggy Overson: Yes.

Shirley Jeffery: May I ask a question? I this was supposed to be on the building permit why wasn't this checked before the permit was issued?

Mayor Roper: To my knowledge, there is no violation in allowing a metal out building in the location.

Shirley Jeffery: No, but if this is supposed to be listed on the permit, what the building is for before the permit was issued why isn't this checked before the permit is allowed to be issued?

Mayor Roper: It would have to be applied for.

Shirley Jeffery: I know, but shouldn't it be on there....

Councilman Bennett: It wasn't listed on the permit, an out building was listed on the building permit.

Mayor Roper: A metal out building was listed on the permit.

Shirley Jeffery: I know but what I am saying shouldn't it be listed on the permit what the building is for, so that if someone else is coming in for a permit this same thing doesn't happen again, if it is supposed to be listed on the permit what the building is for why isn't that checked before the building permit is issued, this could happen again. How have the permits been issued before.

Mayor Roper: Well, they were issued by zone I think primarily, what do we require Ray, this isn't fair to you Ray I know because you weren't here at the time this permit was issued.

Ray Valdez: We require a plat plan and blue prints now, and proposed purpose use of the building.

Peggy Overson: Alright may I ask this, What is that street proposed for? That is the only through street in Delta. Do you propose to do anything with it other than residential?

Mayor Roper: I can't answer that question, you did get some comments from the Planning and Zoning Committee on that, there were some in this letter that I just read to council.

Peggy Overson: When Brigham Young laid out the City of Salt Lake, I'm sure he

didn't take into consideration that Highland Drive was going to be commercial and the 45th South.

Lenore McCall: High land Drive was not laid out by Brigham Young.

Councilman Morrison: Peggy I'm not sure if you are aware of the fact that the planning and Zoning Committee are in the process of completing and redoing the Zoning Ordinance and along with that would be rezoning the city, I think we are going after the fact on the thing and...

Peggy Overson: Well what am I suppose to do, what do you intend to do, I was issued a citation and I ask what am I to do?

Mayor Roper: Has that citation been abided by to this point? May I ask what is the status of the citation to date?

Attorney Peterson: The procedure that is set out both in the statue and explained in the citation is that a plea should be entered before the Justice Court to the citation. The council for the Overson has in effect submitted a plea of not guilty to that citation that is the status of it at this point. His written communication was that he would not enter a plea which is the statutory equivalent to entering a plea of not guilty, because the court would then enter a plea for the overson.

Mayor Roper: Then this, this planning committee has worked hard for two (2) years they are in the process of redoing it right now and for us to do anything premature to their planning I feel....that's not the just way to do it, and until we at least review their recommendations of what the new planning zones will be. That's what that body was set up for and we've got to respect it and I don't think we should over-ride it.

Councilman Bennett: Tehn this, Counselor, is back to item five (5) to either allow or disallow a "Conditional Use" in R-2. Now if there is more study or if there is anymore comments.....

Mayor Roper: Do we have any procedures that council has in mind from that point or recommendations?

Willis Morrison: Warren would you care to pursue the course of action se should take explained to us the legal procedure on a problem such as this. There has been some legal procedure that has been started, you mentioned a plea of not guilty has been entered...

Max Bennett: Do these two (2) items we have been talking about have anything to do with each other?

Warren Peterson: They are interrelated but one will not necessarily solve the other. First off, I feel the council should proceed cautiously there is at least a threat of litigation involved here, so I think the city council should be cautious...I think the city is in a position that a violation of the ordinance has been committed and was committed knowingly. The main question is what to do about it.

The City, in zoning matters, sets out the standard and then responds to request or to violations. If a request is made, the council can respond and grant or deny the request under the ordinance.

If a violation is committed the city is then in a position of deciding

to either enforce the ordinance which means prosecution in the form of a criminal nature. One request has been made to in effect letitimatize this use in the area where the ordinance states it is unlawful. The separate proceeding is a criminal proceeding in enforcement of the ordinance.

Now by amending the ordinance, as has been requested, that does not erase the violation of the ordinance, it occured prior to any change that may be made to the ordinance.

Attorney Peterson then explained in detail, the legal proceedings of each of the actions.

Jim Dewyze had several questions regarding the proceedings of the legal actions to be taken.

There was a discussion between Attorney Peterson and Mr. Jim Dewyze regarding the issue.

Mayor Roper asked if there were anyother questions or comments.

Cherrie Morris Asked why is it legal to do business in the basement of Peggy's home and yet she cannot do business and not in the building on their own property right next to the home.

Warren Peterson explained to Mrs. Morris that as long as the business was in the home it was an in home business and it was an existing non-conforming use when the 1977 ordinance was adopted and therefore it was listed as a in-home business.

Mayor Roper: other proceedings or time frames the Council wishes to set up, if any?

Max Bennett: Well, I would made a motion we take no action on it until the Planning Commission comes up with their comprehensive land use plan and at that time in public hearings if the subject wants to be brought up, I think that would be the place to bring it up. Let the Planning Commission review it.

Warren Peterson: The effect of that motion is just to table it until...

Max Bennett: Until the Planning Commission comes up with the their comprehensive plan they're working on. And at that time in a public hearing, why, before that is adopted, if they want to have a public--they'll have to have a public hearing on that and any questions at that time can be brought up for zone changes or, they've had public hearings on the ordinances they've got right now and it was the feeling of the people that it was the right type of zones at that time, but it don't match our master plan, so they're revising it.

Thomas Callister: Is there anything drastic in that ordinance that they're looking into as far as...

Max Bennett: They're just started on the land use plan--the zoning.

Don Bird: If I'm following you right then, Max, it's entirely possible that this could be rezoned if it was petitioned to be rezoned.

Max Bennett: That would be entirely up to the Planning Commission, of course. They have gone ghrough and they have formed the zones. Now they're in the process of setting that land use up for the zones.

Don Bird: Then if I'm reading you right, Oversons's course of action would be to petition to have that zone changed, changed to commercial.

Max Bennett: Well, I think anything like this should be in a public hearing and give their desires or anybody else give their desires.

Don Bird: And then a public hearing on it.

Max Bennett: They had it in public hearings that were before were the zoning is now. That's where they got the zones they've got.

Don Bird: The only thing is, we're still out in the future on the thing and I'm sure Overson's would like an answer on it now.

Willis Morrison: We're out in the future anyway, Don. In order, if we just vote to go ahead and change the ordinance now, we've got to go through exactly the same procedure the Planning and Zoning is probably going to be following up within--Want to make any guesses on time, Max?

Max Bennett: Well, like I say, the zones have all been set up. They're in the land use plan right now. They're drawing their maps.

Don Bird: What would our legal position be on that the, Warren, if this thing were just tabled until such time as this plan comes in?

Warren Peterson: The only thing I don't like about Max's suggestion is that the violation of the ordinance is still continueing.

Don Bird: It's still continuing and if there's a fine or something like that it must continue on.

Warren Peterson: This ordinance says thou shalt not and there they are and new whether the judge wants to or not, or if there is not a violation of the ordinance. Or for some constitutional reason he can't say yes there is a violation or the ordinance, but no criminal penalty will be enforced. Those are different positions the Court can take among others. The only problem raised by Max's suggestion is that the old ordinance is still in place, the rules are still the same, and the use is still the same. I suppose the only way that a violation, or that conflict would not continue to exist would be if Overson's were to voluntarily discontinue that use and I don't know that that's an option that's being considered. Other than that I agree with Max. I hate to keep patching up an old ordinance when a new one's coming on, but we'll set a pattern that is being carefully considered and very thoroughly reviewed and should be a good product when the Planning Commission's through with it.

Don Bird: The fact remains we are under the old present ordinance right as of now. and that says that there is a violation.

Warren Peterson: That's right.

Don Dafoe: Mayor, I'd like a few comments. I represent the Planning Commission, but what I would like to state that we are looking at the possibilities of increasing the uses of that particular area there, because that street is considered to be a.... And there has been idscussions in our meetings to change that zoning to allow for some commercial business along that street. Now I think that if Peggy and Kirt were to bring something into the Planning Commission that was signed by their neighbors that they weren't opposed to this type of establishment being in it, we would probably be quite receptive to changing that to allow that use.

Warren Peterson: Going back to the purpose of the zoning ordinance, or of a zoning ordinance, the purpose of zoning was in general was to protect property values in that particular area, to protect the health and safety of the residents of that area. So on your comment at support from the residents of that area would be helpful and followed very closely what the purpose and in fact the law on zoning ordinances are all about. It's the land use in that particular area that's in question. It's not whether someone wants to come in from the county necessarily to buy fabric somewhere in Delta. It's what is happening to the health and safety and land values for people in that particular area.

Sue Lister: Can I ask something?

Mayor Roper: Yes.

Sue Lister: It's been driving me crazy, the feeling I get is this is probably a test case, really you gus. And that nobody else has ever violated the zoning laws. And that's wrong and we know there's more. Peggy isn't the only one, but she's the one that is singled out. And that bothers me. If you're going to witch hunt for one, why not witch hunt for more.

Tom Callister: We've been pretty careful about that for the last few years about infractions in different parts of our zoning laws. such as fences and things of that sort, you know whatever it might be. But a couple of years ago, we pretty well made the stand that we're going to take and we're going to cut down on infractions on it and we want people to go according to the zoning laws and if we're going to have to do it, we have to do and hold to it.

Sue Lister: But is still happens. I can think of a few things that have been built in the last two years that are not in accordance with your zoning law and yet they are...

Tom Callister: We've tried to catch a lot of them, though. We've caught fences and other buildings and things which we have caught. Our stand on it is if we make zoning ordinances, we really got to enforce them or else just turn them loose and say hey, do anything you want with the City, we don't care. It's for the betterment of the community. We're trying to act to. It's not really singling out Peggy and Kirt, I don't think, its just that we are trying to make a stand, and to the best of my knowledge we've made the stand a year, a year and a half ago, something like that. We've been picking up what infractions we have found and abiding by and trying to feed it through Board of Adjustments or some way or other turn into a soluble solution or else a doing away with some infractions. Tried to do that to the best of our capabilities. So we have enforced some other than this, or different types of infractions.

Sue Lister: Can I ask one question? Why did the fact that the City is in transition on the master plan and.... you are in transition and down the road this might be changed this way, but you might have to take into consideration at this point.

Warren Peterson: The fact that it is a legislative matter, it does and here are your legislators.

Mayor Roper: That's the zoning. The master plan has been adopted. The zoning ordinance has not yet.

Warren Peterson: The master plan has been.

Max Bennett: They're trying to match the zoning to the master plan.

Warren: That's what the state law requires.

Max Bennett: That's what they require and that's what should be done, that's why it's in progress.

Mayor Roper: We have a motion that needs to be acted on or withdrawn at this point.

Cecil Losee: I'll second Max's motion.

Mayor Roper: Any discussion?

Willis Morrison: Just as a point for clarification. Really if we whichever procedure we would take tonight in here, we've been using a couple of hypothetical situations, if we were to accept the petition then even if we did that tonight, the same procedure would have to be followed as far as public hearing or a public hearing and a change of the zone as it now is to allow this use and then the procedure and then there would have to be requests to grant the use and if we go with the procedure the Planning Commission which is already in progress of changing the zoning laws we are not going to gain a lot of time, basically its the in other words its basically the same procedure that has to be followed that is assuming that the zone that this particular area would fall in would allow this type of use.

Warren: Well, now that I don't know. Whether the Planning Commission is.....

Willis Morrison: No, I'm not asking you to state whether the Planning Commission is going to recommend that, all I'm saying is that their recommendations are going to have to follow basically the same procedures.

Warren Peterson: The procedure for amending the zoning laws under state law is that proposed amendment be approved to be presented at a public hearing with 15 days notice be given publication of the purpose, time and place of the public hearing and then after the public hearing, the Council is free to proceed to approve or disapprove the proposed amendment or adoption of the zoning ordinance, its the same thing except with the adoption of the zoning ordinance, you need the comprehensive master plan in place, that's been done. You need the proposed ordinance approved by the Council, first by the Planning Commission to assure that it complies with the comprehensive plan and approved by the City Council for public hearing and there's the same process. You set the time for the public hearing, hold the public hearing, decide whether to adopt the ordinance or not. Now, the ordinance would include a land use map which would specify the zones and the uses permitted within the zones. So its the same thing. The adoption of the ordinance at this point would take longer. Adoption of the new ordinance would take longer than the amendment to this ordinance, but it is essentially the same thing.

Willis Morrison: But it is essentially the same process that has to be....

Tom Callister: With the exception of what it would be, you'd know what they'd found on these other studies as far as land use in regard to their zoning.

Max Bennett: The Planning Commission put together this master plan, they put together alot of the land use zoning. They worked hard for two years--they're experts in it. Their recommendation here tonight is that we do not allow it. They're the experts, I respect them.

Willis Morrison: That was your motion?

Max Bennett: My motion was....

Mayor Roper: I have-- that discussion on the motion, you'll have to clear me up now but does the motion that's been made and seconded really act on the petition Pegg'y brought to us?

Warren Peterson: No, I think essentially it tables it, doesn't it.

Max Bennett: It talbes it.

Mayor Roper: Any other discussion?

Warren Peterson: One observation I make on the evaluation of the request. It requires that, as I recall, fabric stores and crafts need to be conditional use and that's an appropriate category. It singles out and treats one particular portion of the class favorably. But the proper designation of that class would be retail businesses with certain described criteria such as size, amount of parking and that sort of thing, so if the conditional use approach was taken, the proposed amendment should be much broader than what has been proposed or that is requested in the petition. I don't know that that has any particular bearing on the motion at hand, but it is consideration in the overall proceedings.

Tom Callister: Plus in taking into consideration, as we have to also take into consideration off-street parking and things of that sort or is that an invalid type.....

Warren Peterson: I would suggest that, yes.

Mayor Roper: And a business license?

Warren Peterson: Yes

Mayor Roper: Any other comments or.....

Willis Morrison: Well, maybe I've just gotten myself confused. I thought Max-- maybe you'd better restate your motion, Max. I thought that you were, I thought you had made the motion to disallow the petition. Sorry if I misinterpreted.

Warren Peterson: Weren't your specific words to take to no further action on it until....

Max Bennett: Will you read it, Dorothy?

Dorothy Jeffery: No, but I'll play it back for you.

Warren Peterson: I recall that you specifically said that the council take no further action until the Planning Commission completed their plans for

Dorothy Jeffery: Do you want to listen to it?

Willis Morrison: No, that's clear enough. I can.....

Tom Callister: You thought that would be good or bad?

Warren Peterson: It's the equivalent of tabling it.

Don Bird: I don't think you've accomplished anything. Those people are still up on the air as to what they've got going.

Mayor Roper: Any other discussion? We have a motion and a second for it.

Tom Callister: I've got a little discussion. Is that going to be beneficial to them or the other way around? It's going to benefit them in some ways but yet not in other ways by tabling it and.....

Warren Peterson: It's going to delay as I described to response to Willis's question that the procedure for adopting ordinance is going to take longer than amending the present ordinance. It could take longer, but on the other side of that same issue, the plan that's being developed should be a good comprehensive product and then as Max said, working at it for two (2) years, a great deal of input by advisors in the planning area. It should be a good product. But its not coming on line immediately. Its not going to give an answer.

Max Bennett: Well, their recommendation, was to not allow it but not... you got that record?

Willis Morrison: But that wasn't your motion.

Warren Peterson: Well, by tabling it, you're not allowing it, so.

Willis Morrison: Then in effect, if we may pursue the discussion for a minute then the use will remain, unless the business were closed, it would remain in violation of the existing laws.

Warren Peterson: Yes.

Tom Callister: Is there any on going penalty on that.

Warren Peterson: That's really a question I hoped you wouldn't ask.

Tom Callister: I'll retract it then.

Warren Peterson: The answer is yes.

Tom Callister: If the long time we take and we solve this, resolve that the Planning and Zoning Committee do accept that as a conditional use type deal then what do we do with the action taken so far, drop it or do we....

Warren Peterson: It's a separate procedure. It is completely separate and apart....The reason I didn't want to answer earlier is because the ordinance says that each day continued violation constitutes a separate punishable offense and I simply didn't want to take that hard of a position.

Don Bird: Well I made the statement I did. It didn't clarify anything for Overson one way or another on it.

Willis Morrison Really no action that we could take here tonight could clarify anything, it seems to me like as far as the....

Warren: If you want an immediate answer, no one's the only one that could clarify this immediately, If you want to consider approving, you would have to go with the conditional use permit process by setting a, pardon me, the amendment process, by setting a date for hearing to amend this ordinance or do as Max Suggests, just wait and let the new broom sweep the whole thing clean.

Tom Callister: Well, I'm in agreement with Max in so far as I think we owe it to ourselves as citizens of the City and also the Planning and Zoning Committee that we do not let violations go, in other words, as far as going with the idea of having and approving this amendment to it, I think, we definitely shouldn't take that amendment. But yet my active alternative of more or less tabling it until such time as the Planning and Zoning Committee can, you know, get their new study going and everything in place and maybe that would be a good.....

Max Bennett: Well there's no guarantee that the Planning and Zoning is going to come up with anything. I merely stated that let's go along with recommendations, let's go with it, they're working on one and they will come up with the best plan there is for the whole land use. Now I don't know whether that says table it or whether it says no or what it says, but I....

Warren Peterson: The same effect.

Max Bennett: Whatever that was, was my motion.

Mayor Roper: Before we get it beat any worse, any other discussion? Then we'll call for a vote. All in foavor say aye. (Votes) Those opposed, No. Motion carries un-ananimously.

CONSIDERATION FOR COUNCIL'S ADOPTIONS OF A RESOLUTION REVISING THE RATES FOR CONNECTION TO AND SERVICES FOR USE OF THE CITY OF DELTA MUNICIPAL WATER AND SEWER SYSTEMS.

Attorney Peterson presented a copy of a Resolution the Rates for Connection to and Service Charges for use of the City of Delta Municipal Water and Sewer System to each councilman for their review and discussion of the changes made to the resolution.

Follwoing the discussion of the resolution Councilman Bird MOVED the aforementioned Resolution No. 81-33 be adopted by council, MOTION SECONDED by Councilman Losee and received the unanimous affirmative vote of all councilmen present.

SCHEDULING OF IRRIGATION WATER

Ruth Hansen stated she felt the scheduling of the irrigation water was not consistent and she requested something be done about it.

Douncilman Morrison assured her he would speak to the irrigation water master, Teddie Neilson, and also explained to Ruth that the reason the water was not in the ditch the last week was because of the amount of rain fall in the area and it was the opinion of both the water master and himself the water was not needed that week.

LOW INCOME APPLICATION REQUEST

Mayor Roper presented to council, an application for low income in the amount of \$565.00 for plumbing repairs.

Councilman Callister MOVED the application be approved by council, MOTION SECONDED by Councilman Losee and received the unanimous affirmative vote of all councilmen present.

REQUEST FOR OFF-STREET PARKING FOR RENTAL UNITS AT 175 SOUTH 100 EAST

Superintendent Forster presented a plan for rental units located at 175 South 100 East with a request for council approval off-street parking for the project.

Mr. Forster stated there were 42 parking stalls and that he felt that would be enough stalls for the proposed project.

Councilman Morrison MOVED council approve the off-street parking for the aforementioned project.

John Quick, questioned the parking area and asked if the parking lot was using part of the alley. Following a general discussion of the issue, Councilman Morrison withdrew his motion.

After further discussion of the amount of parking space available, Councilman Morrison MOVED the request be denied at the present time thus allowing time for the City Engineer to study the plan and the parking space available, MOTION SECONDED by Councilman Don Bird and received the unanimous affirmative vote of all councilmen present.

Mayor Roper told council he has scheduled five cable T.V. Companies to present their material at the June 15 Council if that was agreeable with council. Council all agreed.

Councilman Bennett explained to council, the City Cafe is paying for the lighting of the parking lot in the rear of the City Building and they have requested the City help pay the bill. It was the opinion of the council that Councilman Bennett meet with the Mr. Keith Taylor regarding the bill and ask him if he will pay his part of the bill.

Mayor Roper told council he had reports that the city dump was not being maintained as it should be and ask Cecil Losee, Councilman in charge of the City Dump to check it out. Councilman Losee said he would look into it.

RESOLUTION CONDITIONALLY ACCEPTING FOR ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF DELTA A PETITION SUBMITTED BY TEX E. SEARLE, LLOYD BURRSTON AND DAN RANDALL.


Attorney Peterson presented to council for their consideration of adoption a Resolution Conditionally Accepting for Annexation into the Corporate Limits of Delta, A Petition Submitted by Tex E. Searle, Lloyd Burraston and Dan Randall.

Following a general discussion Councilman Morrison MOVED to adopt the aforementioned Resolution No. 81-35, MOTION SECONDED by Councilman Bird, Voting was as follows:

Councilman Don Bird	Yea
Councilman Cecil Losee	Yea
Councilman Thomas Callister	Yea
Councilman Max Bennett	Yea
Councilman Willis Morrison	Yea

Following the voting, Mayor Roper signed the Resolution, attested by the City Recorder, Dorothy Jeffery, and was accepted as part of the official records of the City of Delta.

Mayor Roper asked if there was any further business or comments, there being none, Councilman Bird MOVED the meeting be adjourned, MOTION SECONDED by Councilman Bennett, Meeting adjourned at 10:55 p.m.



Mayor Leland J. Roper



Dorothy Jeffery, Delta City Recorder

MINUTES OF A REGULAR COUNCIL MEETING HELD JUNE 15, 1981.
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ATTENDANCE:

Leland J. Roper	Mayor and presiding
Max Bennett	Councilman
Don Bird	Councilman
Willis Morrison	Councilman
Thomas Callister	Councilman
Cecil Losee	Councilman

ABSENT:

None

OTHERS PRESENT:

Neil Forster	City Superintendent
Ray Valdez	City Building Inspector
Jay Convington	Administrative Intern
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Dan Dalton	Developer
Roy Music	Developer
Roger Stowell	IPP
John Quick	Bush and Gudgeon Inc.
Carl Oliver	Delta Inc.
Mike Acheson	Western Satellite Inc.
Douglas Johnson	Acton Inc.
Jeannie Smith	Omni Cable T.V. Corporation

Mayor Roper, being present, called the meeting to order at 8:00 p.m.
Dorothy Jeffer, being present, acted as secretary.